

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1004

ALI IRFAN,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals.

Submitted: May 24, 2010

Decided: June 9, 2010

Before NIEMEYER and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

John E. Gallagher, Catonsville, Maryland, for Petitioner. Tony West, Assistant Attorney General, Linda S. Wernery, Assistant Director, Janice K. Redfern, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ali Irfan, a native and citizen of Pakistan, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's order denying as a matter of discretion Irfan's application for asylum and granting him withholding from removal. We deny the petition for review.

The discretionary denial of asylum is reviewed for abuse of discretion. Zuh v. Mukasey, 547 F.3d 504, 506 (4th Cir. 2008). This standard of review "does not offer an IJ a blank check." Id. The decision to deny asylum can only be made after the immigration judge has considered the totality of the circumstances. Id. at 507. Since the Petitioner has shown eligibility for asylum, it is assumed that the danger of persecution will outweigh all but the most egregious adverse factors. Dankam v. Gonzales, 495 F.3d 113, 119 n.2 (4th Cir. 2007).

We find the immigration judge considered the totality of the circumstances and did not abuse her discretion when she determined that as a matter of discretion, she would deny asylum to Irfan. We note the immigration judge found Irfan did have a well founded fear of persecution if he returned to Pakistan. However, because he was granted withholding from removal, he will not be removed to that country.

We deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED